

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO REZONE PROPERTY FROM THE MIX (MIXED USE DISTRICT)  
CONDITIONAL TO MIX (MIXED USE DISTRICT), PROPERTY LOCATED AT 5825 SANDY  
SPRINGS CIRCLE**

**BE IT ORDAINED** by the City Council for the City of Sandy Springs, Georgia while in regular session on December 15, 2009 at 6:00 p.m. as follows:

**SECTION 1.** That the Zoning Ordinance of the City of Sandy Springs be amended, and the official maps established in connection therewith be changed so that the following property located at **5825 Sandy Springs Circle**, consisting of a total of approximately 0.425 acres, be changed from the MIX (Mixed Use District) conditional to MIX (Mixed Use District) with conditions, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 90 of the 17<sup>th</sup> District, Fulton County, Georgia by the attached legal description; and

**SECTION 2.** That the variance(s), as listed in the attached conditions of approval, be approved under the provisions of Section 22.9 of the Zoning Ordinance of the City of Sandy Springs; and

**SECTION 3.** That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

**SECTION 4.** That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this ordinance; and

**SECTION 5.** That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

**SECTION 6.** This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

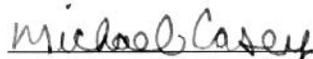
**ORDAINED** this the 15<sup>th</sup> day of December, 2009.

Approved:



Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk  
(Seal)



CONDITIONS OF APPROVAL

**RZ09-004/CV09-012**  
**5825 Sandy Springs Circle**

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Spring Garden Properties, LLC at 5825 Sandy Springs Circle. Rezoning petition RZ09-004/CV09-012 was approved to rezone the subject property from MIX (Mixed Use District) conditional to MIX (Mixed Use District) by the Mayor and City Council at the December 15, 2009 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Thirty-six (36) residential units at a density of 84.71 units per acre.
  - b. Office, retail, and associated accessory uses at a density of 4,776.47 square feet per acre or 2,030 square feet, whichever is less.
  - c. Maximum building height shall be five (5) stories.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated August 31, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall dedicate forty (40) feet of right-of-way from centerline of Sandy Springs Circle along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - b. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation, except that a masonry entry wall shall be allowed in the area of reservation subject to an indemnification agreement filed by the owner/developer with the City of Sandy Springs.  
  
Forty-five (45) feet from centerline of Sandy Springs Circle
  - c. To allow a mixed use development on a parcel designated as Live Work Regional (LWR) with a total area of less than ten (10) acres (CV09-012 #1).

- d. To reduce the required fifty (50) foot buffer and ten (10) foot improvement setback to a twenty (20) foot landscape strip along the east property line adjacent to property zoned A-L (Apartment Limited District) (CV09-012 #2). Said landscape strip shall be planted to buffer standards subject to the approval of the Sandy Springs Arborist.
  - e. To allow an encroachment into the required buffer along the east property line to allow for the removal and replanting of trees (CV09-012 #3).
  - f. To allow an encroachment into the required buffer along the east property line to allow for the removal and replanting of trees (CV09-012 #4).
  - g. To reduce the required front setback from twenty (20) feet to twelve (12) feet for the fifth story of the proposed building along the Sandy Springs Circle frontage (CV09-012 #5).
4. The owner/developer shall present architectural elevations of the proposed building to the Sandy Springs Design Review Board for approval prior to application for a building permit.



**Item 6**  
**Legal Description**

**Metes and bounds description of property based on the survey prepared by Valentino & Associates, Inc., Land Surveyors, 1280 Winchester Parkway, Suite 243, Smyrna, GA 30080, and signed by Glenn A. Valentino, R.L.S. No. 2528, dated August 9, 2007 and attached hereto pursuant to Item 4:**

All that tract or parcel of land lying and being in Land Lot 90 of the 17th Land District, City of Sandy Springs, Fulton County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino and Associates, Inc., (Job #27065; File #27065), bearing the seal of Glenn A. Valentino, Georgia Registered Land Surveyor #2528, and being more particularly described as follows:

**COMMENCING** at a computed point at the intersection of the northerly right-of-way line of Allen Road (apparent 40' r/w) and the easterly right-of-way line of Sandy Springs Circle (formerly known as Allen Court) (r/w varies), said point being a distance of 30.12 feet easterly of the centerline of said Sandy Springs Circle.

**THENCE** along said easterly right-of-way line of Sandy Springs Circle the following courses and distances, North 00 degrees 07 minutes 36 seconds East for a distance of 180.00 feet to a 1/2" iron pin found;

**THENCE** South 89 degrees 20 minutes 50 seconds East for a distance of 9.88 feet to a 1/2" iron pin set, said 1/2" iron pin set being the **POINT OF BEGINNING**.

**THENCE** continuing along said easterly right-of-way line of Sandy Springs Circle, North 00 degrees 07 minutes 36 seconds East for a distance of 100.02 feet to a 1/2" iron pin set;

**THENCE** leaving said easterly right-of-way line of Sandy Springs Circle, South 89 degrees 16 minutes 11 seconds East for a distance of 185.19 feet to a 1/2" iron pin found;

**THENCE** South 00 degrees 03 minutes 55 seconds West for a distance of 99.77 feet to a 1/2" iron pin found;

**THENCE** North 89 degrees 20 minutes 50 seconds West for a distance of 185.30 feet to a 1/2" iron pin set on the easterly right-of-way line of Sandy Springs Circle, said 1/2" iron pin set also being the **POINT OF BEGINNING**.

Said tract or parcel of land contains 18,504 sq. ft. or 0.425 acres, more or less.

**RECEIVED**

**RZ09 004**

City of Sandy Springs  
Community Development

Deed Book 45235 Pg 668  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

EXHIBIT "A"

ALL that tract or parcel of land lying in and being in Land Lot 90 of the 17<sup>th</sup> District, Fulton County, Georgia, also being lot 12 of the J. H. Chatham Subdivision, according to that particular plat recorded in Plat Book 61, Page 93, Fulton County, Georgia records and also being known as improved property located at 5825 Sandy Springs Circle according to the present system of numbering streets and roads in Fulton County, Georgia with said tract or parcel of land being more particularly described as follows:

**COMMENCING** at a concrete monument with an aluminum disk set in its top, said aluminum disk having been stamped F-451, according to the present numbering system of the Fulton County, Georgia Geographic Information Systems Department, said monument and disk having the Georgia West Zone, State Plane Coordinates of 1432208.622 North and 2234263.973 East, thence running South 21 degrees 54 minutes 36 seconds West a distance of 8,899.7 feet to an iron pin set (1/2-inch rebar), said iron pin set being located on the east right-of-way of Sandy Springs Circle (having an 80-foot right-of-way), said iron pin set also being known as the **TRUE POINT OF BEGINNING**; from the **TRUE POINT OF BEGINNING** as thus being established, thence leaving said right-of-way running South 86 degrees 24 minutes 04 seconds East a distance of 184.99 feet to a iron pin found (1/2-inch rebar); thence running South 02 degrees 52 minutes 28 seconds West a distance of 99.79 feet to a iron pin found (1/2-inch rebar); thence running North 86 degrees 27 minutes 52 seconds West a distance of 185.21 feet to an iron pin set (1/2-inch rebar), said iron pin set being located on the east right-of-way of Sandy Springs Circle (having an 80-foot right-of-way); thence running along said right-of-way North 03 degrees 00 minutes 00 seconds East a distance of 99.99 feet to an iron pin set (1/2-inch rebar), said iron pin set also being known as the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 18,489 sq. ft or 0.42 acres, more or less.

RECEIVED

City of Sandy Springs  
Community Development

RZ09 004



Quitclaim Deed  
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